

Exhibit “WW” to Amended Verified Petition

8 St. Michaels Lane
Walden, NY 12586
3/17/05

MAR 18 2005

Mr. Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

Dear Mr. Ciesluk,

I am writing in response to the proposal to put an 18 acre shale mine on the property owned by Mehlon Trucking Inc. Application: 3-3342-00022/00005. This property adjoins my parcel.

I have some concerns regarding this venture. Which include:

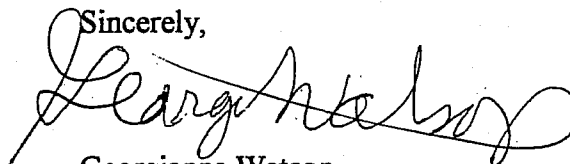
- a. how will blasting effect the water table?
- b. Will it encroach on the wildlife inhabiting the area especially snakes and drive them onto my property in an attempt to escape the blasting and disruption to their habitat?
- c. I have had serious coyote problems which have been reported to the DEC. Will this blasting , trucking, crushing, etc force these and other wild life further onto my property?
- d. I suffer from bronchial asthma. Will the dust and debris generated from this business create more breathing problems for me?
- e. Is there going to be a road built to the mining site and where will the entrance/exit be located? Will this extra traffic adversely affect the tranquility of the community? How many triucks will be made per day by these trucks and what is their travel pattern?
- d. how long will this business be operational? Is it a short term or long term continuing for many years?
- e. How will this impact on the development of my property in the event I choose to subdivide or wish to sell?
- f. how close to my boundary line will the mining be done and the roads located?
- g. when will the blasting be done? Will it be loud and disruptive for my livestock and dogs?
- h. Will the blasting be sufficient to disrupt the foundations of the structures on neighboring properties.

i.. how deep will the mining go? Will it create pits for water to gather and will this increase the mosquito problem? Will the pits be so deep that animals and people can fall in and not be able to escape?

j. what is the long term environmental impact on the property? Will it lead to erosion and flooding onto my property?

These are a few of my major issue. Will you provide a written response to these or will this be an issue discussed at the town meetings?

Sincerely,

A handwritten signature in black ink, appearing to read "Georgianna Watson", written over a horizontal line.

Georgianna Watson

Cc: Supervisor, Town of Montgomery

THIS IS NOT A PERMIT



New York State Department of Environmental Conservation
Notice of Complete Application

Date: 02/08/2005

Applicant: MEHLON TRUCKING INC
PO BOX 519
WALLKILL, NY 12589

Facility: KINGS HILL RD SHALE MINE
ROCK CUT RD INTERSECTION KINGS HILL RD
WALDEN, NY 12586

Application ID: 3-3342-00022/00005

Permits(s) Applied for: 1 - Article 23 Title 27 Mined Land Reclamation

Project is located: in MONTGOMERY in ORANGE COUNTY

Project Description:

Applicant proposes to operate an 18.1 acre shale mine within a 159.9 acre parcel located east of Plains Road and north of Kings Hill Road. A four acre portion of this proposed site has been mined previously under a permit issued by NYSDEC. It is estimated that approximately 820,000 cubic yards of material will be removed. Processing (crushing and screening) of material is proposed using portable equipment. Blasting will be required approximately twice a month. Hours of operation will be 8 am to 4.30 pm Monday - Friday and 8 am to 3.30 pm on Saturdays.

State Environmental Quality Review (SEQR) Determination

Project is a Type I action and will not have a significant effect on the environment. A coordinated review with other involved agencies was performed and a Negative Declaration is on file.

SEQR Lead Agency NYS Department of Environmental Conservation

State Historic Preservation Act (SHPA) Determination

A cultural resources survey has been completed. The report of the survey is on file. No archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Availability For Public Comment

Comments on this project must be
submitted in writing to the Contact
Person no later than 03/25/2005

Contact Person

ALEXANDER F CIESLUK, JR
NYSDEC
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561-1696
(845) 256-3014

CC List for Complete Notice

SUPERVISOR T/MONTGOMERY
PLANNING BOARD T/MONTGOMERY
J. RAAB, V DOCE ASSOCIATES
R. MARTIN

RECEIVED
MAR 18 2005

Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

March 15, 2005

Dear Sir,

The residents of Grand View Estate, Strawridge Road, are concerned with the proposed reopening of Kings Hill Road Shale Mine. We did not receive any notification of the petition and we would appreciate the opportunity to express our concerns at a public hearing on the issue. Please notify us at your earliest convenience the time, date and location of such.

Sincerely,

Pam Fanning
8 Arcadia Drive
Wallkill, NY 12589

MAR 18 2005

Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

March 15, 2005

Dear Sir,

The residents of Grand View Estate, Strawridge Road, are concerned with the proposed reopening of Kings Hill Road Shale Mine. We did not receive any notification of the petition and we would appreciate the opportunity to express our concerns at a public hearing on the issue. Please notify us at your earliest convenience the time, date and location of such.

Sincerely,

Paula A. Wright
12 Grandview Terrace
Wallkill NY 12589

February 28, 2005

John A. Klossner
4 Loch Lane
Walden, NY 12586-2405

Alexander F. Ciesluk, Jr
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

Re: Application ID 3-3342-00022/00005

I purchased my home on the corner of King's Hill Road and Loch Lane in the summer of 1988. This location is approximately 1,000 to 1,500 yards from proposed shale mine. When home was purchased there was a bulge in one side of in-ground pool which sets on lower side of slope in backyard.

There is no hard evidence, but speculation among some residents at the time was that the previous blasting from same shale mine was possible cause.

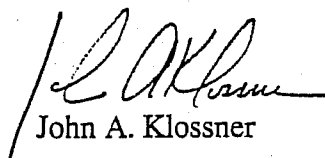
There was no change to bulge in pool since and in summer of 2003 I replaced pool liner and had bulge in pool corrected at same time. Cost was \$3,500 for all.

I am concerned about blasting causing similar damage to in-ground pool, and/or affecting my well or house foundation.

Additionally, what is recourse if blasting is more than 2 times per month, other than years of filing complaints?

Why were not all residences on Loch Lane, Snowden Drive and Maidstone Drive notified and why was this not addressed in local newspaper for our area?

Respectfully Submitted,



John A. Klossner

MAR - 1 2005

March 1, 2005

Alexander F Ciesluk
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561

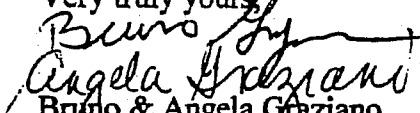
Re: Kings Hill Rd Shale Mine

Dear Mr. Ciesluk:

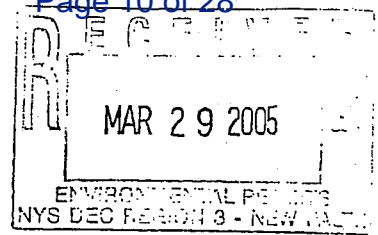
I have lived on Kings Drive for over 20 years and have not had any problems with my well water. I am very concerned with the effects that we may have as a result of the blasting. I have never had any problems with my well water or the water Table but feel that problems could arise from the blasting such as contamination of our water plus shifting of the underground which may cause problems with our foundations.

I am very much against this work taking place and feel that the people who live on this street agree with this.

Very truly yours,


Bruno & Angela Graziano
21 Kings Drive
Wallkill, New York 12589

MAR - 4 2005



Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

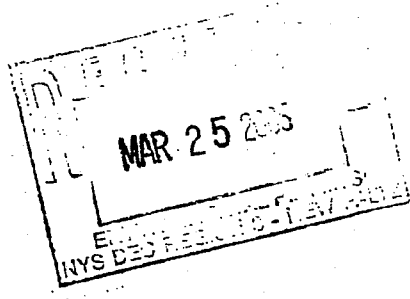
March 15, 2005

Dear Sir,

The residents of Grand View Estate, Strawridge Road, are concerned with the proposed reopening of Kings Hill Road Shale Mine. We did not receive any notification of the petition and we would appreciate the opportunity to express our concerns at a public hearing on the issue. Please notify us at your earliest convenience the time, date and location of such.

Sincerely,

The Secor Family



Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

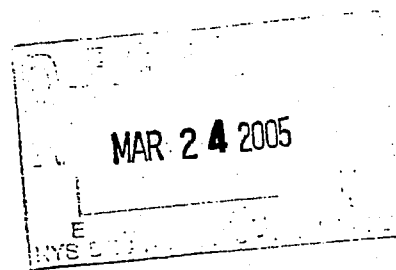
March 15, 2005

Dear Sir,

The residents of Grand View Estate, Strawridge Road, are concerned with the proposed reopening of Kings Hill Road Shale Mine. We did not receive any notification of the petition and we would appreciate the opportunity to express our concerns at a public hearing on the issue. Please notify us at your earliest convenience the time, date and location of such.

Sincerely,

Walter and Eleanor Hufford
7 Arcadia Drive
Wallkill, NY 12589



March 21, 2005

Alexander F. Ciesluk, Jr.
NYS DEC
21 South Putt Corners Road
New Paltz, NY 12561-1695

Re: Kings Hill Road Shale Mine
Application No. 3-3342-00022/00005

Dear Mr. Ciesluk:

I am writing to you concerning the proposed shale mine operated by Mehlon Trucking, Inc. just north of Kings Hill Road.

I have known the owner for years and know the land very well. My home sits to the south on the very ridge of shale he wants to remove.

I have no wish to stop a person from earning a living from his land, but can you tell us that the blasting will not effect our wells to the south of his operation! I have heard of other operations that have ruined neighboring wells, and altered ground water distribution.

Before issuing a permit, please use your expertise to evaluate this potential problem. Thank you in advance for your attention to this matter.

Sincerely yours,

Doug Gridley

Doug Gridley
25 Maidstone Dr
Walden, NY 12586

MAR 22 2005

Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

March 15, 2005

Dear Sir,

The residents of Grand View Estate, Strawridge Road, are concerned with the proposed reopening of Kings Hill Road Shale Mine. We did not receive any notification of the petition and we would appreciate the opportunity to express our concerns at a public hearing on the issue. Please notify us at your earliest convenience the time, date and location of such.

Sincerely,

*Dusan Strano &
Rolo Strano*

18 GRANDVIEW TERRACE
WALKILL, NY 12589

7 Snowdon Drive
Walden, NY, 12586
March 14, 2005

Alexander F. Ciesulk, JR
NYSDEC
21 South Putt Corners RD
New paltz, NY 12561-1696

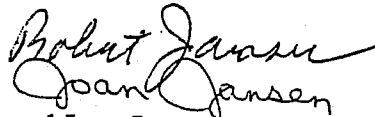
Mr. Ciesulk, Jr.,

I am responding to the notice we received regarding the Mehlon Trucking Inc. Application ID 3-3342-00022/00005 for removing shale from the Kings Hill RD Shale Mine.

We are concerned about the well water supply being affected by blasting. Our well and are neighbors wells on both sides of us are artesian wells. At the time they were drilled we had 5 quarts a minute overflowing. Since that time with more houses in the area we have lost the overflow however the water still has to come from a source higher than we are and the only place higher is the area of the proposed shale mine.

We are very concerned about the effect blasting and any contamination that will effect our wells. This was brought up several years ago at a town meeting where all parties were present and our concerns were heard. Since that time nothing has been done.

Truly Yours,

Handwritten signature of Robert and Joan Jansen in cursive script.

Robert and Joan Jansen

MAR 15 2005

6 Jill Marie Circle
Wallkill, NY, 12589
sagar@frontiernet.net

March 13, 2005

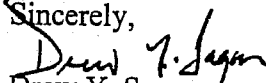
Alexander Ciesluk, Jr.
NYSDEC
21 South Putt Corners Rd.
New Paltz, New York, 12561

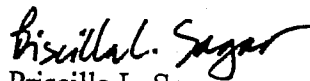
Dear Sir,

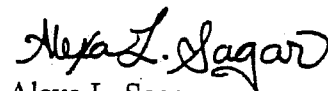
We are writing this letter in order to express our extreme concern over the proposed blasting and subsequent shale mining that is projected for the area between Kings Drive and Plains Road. As a homeowner and a taxpayer it is very disturbing to realize that a project of this magnitude can be rubber stamped by the DEC as having no significant environmental impact. What is even more disconcerting is that no public hearing is required on this matter. Having heard otherwise, we at least hoped that the DEC held public interest as a priority. The environmental implications are numerous for this project. It poses a significant potential threat to the aquifers in this area. Additionally the blasting can potentially cause structural damage to the homes in the area.

Furthermore, the potential impact on wildlife in this area, which has adapted to a residential area around homes and gardens but will be affected by the presence of mine tailings, and fouled drinking water. The implications of additional heavy traffic of multi ton trucks, heavy equipment on the roadways, not to mention the appearance (have you ever seen one of them?) has not been addressed satisfactorily. This project must be halted. We demand a fair hearing on this matter.

Sincerely,


Drew Y. Sagar


Priscilla L. Sagar


Alexa L. Sagar

MAR 15 2005

393 Strawridge Road
Wallkill, NY 12589
March 11, 2005

Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561-1696

Dear Mr. Ciesluk:


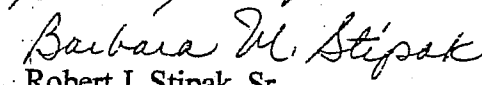
This morning we received a hand-delivered notice about the proposed mining and blasting operation located between Plains Rd. and Kings Hill Rd. in the Town of Montgomery in Orange County. Someone would have to be out of his or her mind to approve an operation like that! It is much too close to residential areas that could be damaged by nearby blasting. Our homes and water supplies could be in real danger if this were to happen on the proposed site.

This is the first notice we have seen about this proposed operation. We are very surprised and concerned that something like this could be happening without notifying everyone in the area. We are extremely grateful to the neighbor who passed on the information to us.

We have seen the area in question while hiking on Kings Hill. It is surrounded by homes. There is no way that a mining and blasting operation could exist safely or peacefully in a primarily residential area. We know that at one time the site was previously mined. But that was a long time ago and the area was far less populated. An increase in new housing has changed the area drastically. There are already concerns about our wells and the drainage problems created by water run off from the hill. The impact of this mining operation on the environment will threaten hundreds of wells and homes, aggravate existing drainage concerns, and adversely effect the quality of life for all of us who live in the surrounding areas.

We want it to be known that the undersigned are adamantly opposed to such a dangerous operation located within such close proximity to residential areas. It wasn't long ago that our whole area was rocked by the explosions in the old bunker behind Camp Redwood on Rock Cut Road. This area has seen an enormous amount of growth in housing. There are simply too many people and too many homes in the surrounding area to risk granting approvals for a nearby mining and blasting operation.

Sincerely yours,



Robert J. Stipak, Sr.
Barbara M. Stipak

MAR 15 2005

From: "Frank Brundage" <fbrundage@hvc.rr.com>
To: <r3dep@gw.dec.state.ny.us>
Date: 3/13/05 7:25PM
Subject: Mehlon Trucking 3-3342-00022-00005

Frank Brundage

23 Kings Drive

Wallkill, NY 12589

March 6, 2005

Alexander F. Ciesluk, Jr

NYDEC

21 South Putt Corners Rd

New Paltz, NY 12561-1696

Re: 3-3342-00022-00005

Dear Mr Cieslik

I am writing to express my concern about Mehlon Trucking and the pending decision to operate an 18 acre shale mine at the intersection of Kings Hill Rd and Rock Cut Rd. I understand that the mine was in working order some time ago, but since that time I believe that there has been considerable development in the area that may constitute more thorough studies.

Another concern of mine is the lack of information given to the local residence, the only information that I received came from another local resident. This information came to us by their own copies of the original Notice of Complete Application, which was believed to be "accidentally" received by one local neighbor.

I am sure that there are many more concerns out there, but the ones that I would like to have addressed are focused around the blasting. In this local vicinity well water is the main means of water supply. Blasting creates many concerns with ground water contamination, air pollution and noise pollution. I would surely unwelcome a lack of well water supply, contaminated water supply or new underground water supplies causing basement seepage or flooding. At this time and with the limited information given to us regarding this shale mine I would have to strongly oppose the operation of the shale mine.

I look forward to any of your responses.

Sincerely,

Frank Brundage

*This letter will also be sent in a hardcopy version via u.s.mail.

Frank Brundage
23 Kings Drive
Wallkill, NY 12589
March 6, 2005

Alexander F. Ciesluk, Jr
NYDEC
21 South Putt Corners Rd
New Paltz, NY 12561-1696

Re: 3-3342-00022-00005

Dear Mr Cieslik

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I look forward to any of your responses.

Sincerely,

Frank Brundage

KEVIN L. HOLT, SR.
32 Kings Drive
Wallkill, NY 12589-8800
Phone (845) 566-0373

MAR 14 2005

March 10, 2005

Mr. Alexander F. Ciesluk, Jr.
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561-1696

Dear Mr. Ciesluk,

I am writing in regard to the application of Mehlon Trucking Inc.,
(Application ID# 3-3342-00022/00005), for a permit to begin mining of the
Kings Hill Rd Shale Mine located east of Plains Rd. and north of Kings Hill
Rd.

As a homeowner of a Kings Dr. property, I feel this blasting should not be
allowed as it could be damaging to my property and the property of my
neighbors. This shale mine is located right behind the hill in my backyard.
I fear that the blasting would damage my well water table for my house,
and cause serious damage to my foundation.

I think that a public hearing should be held, and further studies should be
done before any permits are issued.

Sincerely,

K. L. Holt Sr.



Manny G Pereira

P.O. Box 533
Wallkill, N.Y. 12589
[845] 590-0057

MAR 14 2005

Alexander F. Ciesluk Jr.
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561-1696

10 March 2005

Dear Mr. Ciesluk;

- 1. This letter is to voice my concerns concerning the proposed 18.9 acre Shale mine within the 159.9 parcel located east of Plains rd and north of Kings Hill Road.**
- 2. Following are my primary concerns towards this project:**
 - ❖ Blasting several times per month on property which is in close proximity to single family housing [Including my own home which is located at 18 Sloan Ct.] will significantly damage our homes and water/sewer lines**
 - ❖ Environmental impact of removing of 820,000+ cubic yards of material from this projected area.**
 - ❖ Potential for extensive environmental pollution during the processing [crushing and screening] of above mentioned material.**
 - ❖ Impact of truck traffic during the developmental, as well as, operational periods of this extensive mining operation.**
 - ❖ Damage to our roads and infra-structure during the lifetime of this project.**
 - ❖ My concern that this project is subject to CP 29 action and should be so coordinated.**
- 3. Until these issues, as well as others are reviewed and studied the proposed project should be tabled. If project goes forward there should a public referendum.**
- 4. Please keep us informed as to project development. If you have any questions do not hesitate to contact me.**

Respectfully Submitted;


Manny G Pereira

Mr. Ciesluk:

MAR 23 2005

NO!

NO!

NO!

We don't want any
shale mining or blasting.

Kathy & Dennis Bruno

KATHY & DENNIS BRUNO
25 Kings Drive
Walikill, NY 12583

7 March 2005

MAR 23 2005

Alexander F. Ciesluk, Jr.
New York State Department of
Environmental Conservation
21 South Putt Corners Rd.
New Paltz, NY 12561-1696

RE: Application No. 3-3342-00022/00005 Mehlon Trucking Co. Kings Hill Rd.
Shale Mine

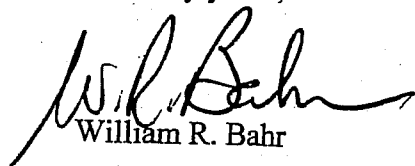
Mr. Ciesluk:

I am a resident at 19 Kings Drive about 1/8 mile east of this shale mine. I moved here in 1972 and am somewhat familiar with this operation. The land structure originally was a hill and an unknown named developer began a mining excavation removing shale from this area. The hill area was approximately 300 ft wide by 500 feet long. Shale was removed eviscerating the landscape. It was left as a large pit with an 80 foot high cliff to the north and a mosquito pond on the south. It resembles a volcano ditch.

I didn't mind the occasional blasting, but what bothered me was the dust and mosquitoes that followed it. This nuisance got all over and into my house but also added a muddy tint to my drinking water. I took a sample to The Town of Newburgh water testing facility on Rt. 32 which confirmed the presence of silt. The muddy tint and mosquitoes ended with the onset of winter until the following summer when mining operations resumed.

We were ecstatic to find the mining operation had ceased ; but now, after all these years it seems it's back again. I'm not a complainer but some 33 years older. I know mosquitoes carry the West Nile Virus Syndrome and I'll be damned if I want to go through this possibility that wasn't here in 1973. We would have to acquire a water filtering apparatus to contend with the onset of muddy water which will eventually develop together with increased energy bills to barricade our home from the dust that will develop; in addition to the elimination of mosquito larvae. I am confident The State of New York would offer consideration offsetting these costs once permission is granted to resume mining operations.

Sincerely yours,



William R. Bahr

19 Kings Drive
Wallkill, NY 12589-8805
845.564.2463

March 21, 2005
#74 Maidstone Dr.
Walden, N.Y., 12586

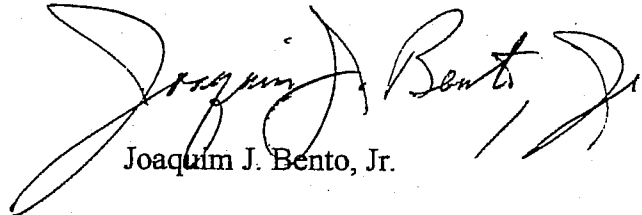
Mr. Alexander Ciesluk, Jr.
NYSDEC
21 South Putt Corners Rd.
New Paltz, N.Y., 12561-1696

MAR 23 2005

Dear Sir,

I reside at # 74 Maidstone Dr. in the Town of Montgomery with my wife. I built the house in 1974 and have lived here for 30 years and have invested a great deal of time, labor, and money in the property. It has come to my attention that a mining operation is pending just north of us at a point less than 2 miles from my home. Blasting and heavy truck traffic would be involved in this operation. I have heard of this by word of mouth and have received no official communication about it from the DEC. I am very concerned about the consequences of this activity and its possible effects on my foundation, well water, area road traffic, etc. I would like to know if you are proposing to issue permits for this activity without holding public hearings or discussions of the effects of this mining and any recourse we might have in the event we suffer harm or loss from it. Please let know the status of this issue and how you plan to proceed. Thank you.

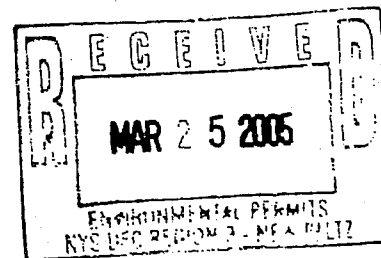
Very truly yours,



Joaquim J. Bento, Jr.

MR.ALEXANDER F. CIESLUK JR.
NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
21 SOUTH PUTT CORNERS ROAD, REGION 3
NEW PALTZ, NEW YORK 12561-1620

MARCH 24, 2005



DEAR MR. CIESLUK:

PLEASE BE ADVISED THAT UNDER FOIL # 104-3/05 WE HAVE REVIEWED THE FILE FOR APPLICATION 3-3342-0002/00005 MEHLON TRUCKING INC., KINGS HILL ROAD SHALE MINE. KEEPING WITHIN THE STRUCTURE OF ARTICLE 23 TITLE 27 OF THE ENVIRONMENTAL CONSERVATION LAW, DECLARATION POLICY 23-2703, IN AN EFFORT TO SUPPORT THESE PRACTICES IN A MANNER WHICH IS IN BALANCE WITH THE NEEDS OF ALL AFFECTED PARTIES, THESE FOLLOWING COMMENTS ARE PRESENTED. WE WOULD LIKE TO THANK YOU IN ADVANCE FOR YOUR CONSIDERATIONS OF THESE COMMENTS AS OUR EFFORTS ARE INTENDED TO BE CONSTRUCTIVE TO THE PROPER ADVANCEMENT OF THIS PROJECT AND NOT TO IMPEDE OR STOP IT.

UPON COMPLETION OF OUR REVIEW WE FIND THE APPLICATION AS SUBMITTED HAS A SERIOUS AND POSSIBLY FATAL FLAW THAT NEEDS TO BE ADDRESSED AND CORRECTED. IT HAS BEEN AN ON GOING ISSUE THAT THE DIVISION LINE BETWEEN THE TOWN OF MONTGOMERY AND THE TOWN OF NEWBURGH AS REPRESENTED ON THE REAL PROPERTY TAX MAPS IS INCORRECT AS THEY ARE PRESENTLY SHOWN. WE ALSO UNDERSTAND THAT THE DEC DOES NOT INVOLVE ITSELF IN THESE MATTERS AND THAT THEIR ACCEPTANCE OF APPLICATIONS AND APPROVALS TAKE ON A BROADER SCOPE. THEREFORE, WE NEED TO APPLY TO THE APPLICATION PROCESS TO PROCEED. WE SITE ITEM TWO (2) OF THE MINING PLAN PAGE 8 OF THE APPLICANTS GUIDE AND ITEM THREE (3) OF THE SAME. ALSO THAT PARAGRAPH BETWEEN PAGES EIGHT (8) AND NINE (9) "AFFECTED LAND" THAT REFERENCES THAT A SURVEY IS NOT REQUIRED BUT THE MAP NEEDS TO BE AS ACCURATE AS POSSIBLE.

AS SUBMITTED PAGE ONE (1) OF TEN (10) IS A SURVEY MAP OF THE PROPOSED MINE. THIS SURVEY WAS DONE AS NOTATED BY WEHRAN ENGINEERING. IT ALSO CARRIES A STAMP OF A VINCENT DOCE, LICENSED SURVEYOR. I AM APPROACHING THIS ISSUE AS THAT MR. DOCE HAS RECERTIFIED THE SAME SURVEY BY APPLYING HIS STAMP TO IT. AS A SECOND ISSUE THE APPLICATION IS SUBMITTED WITH A USGS PLOT MAP TO GIVE A GENERAL LOCATION TO THE MINE. A THIRD REVOLVES AROUND THE REAL PROPERTY TAX MAPS. AS THESE MAPS ARE INTENDED TO BE USED FOR TAX PURPOSES ONLY NO REFERENCES TO THEM HAVE UNDERSTANDABLY HAVE BEEN MADE. THEY HOWEVER HAVE A PLACE IN THIS REVIEW AS A POINT OF SUPPORT. A FOURTH ISSUE IS THE SHPA PORTION OF THE APPLICATION PRESENTED BY TRACKER ARCHAEOLOGY SERVICE INC. IN THIS REPORT THEY REFLECT THE APPLICANTS PROPERTY TO BE WHOLLY IN THE TOWN OF MONTGOMERY, HISTORICALLY THE WILEMAN PATENT.

I WILL ADDRESS THESE ITEMS IN ORDER. IN ITEM ONE THE SUBMITTED MAP WHICH I ASSUME TO BE A CURRENT SURVEY REFLECTS THE TOWN LINE AS AN ERRATIC LINE, UNDERSTANDABLY TAKEN FROM A DEED SUBMITTED BY THE

APPLICANT. THIS DEED AFTER RESEARCH HAS NO ORIGINATION. THE CORRECT LINE IS VERY STRAIGHT, RUNNING NORTH 13 DEGREES IN A CONTINUOUS LINE. MR. DOCE IS AWARE OF THIS BUT DOES NOT REFLECT THIS ON HIS SURVEY. THIS LINE SHOULD CONNECT AT OR WEST OF THE USGS MARKER, APPROXIMATELY TEN MINUTES TO THE WEST OF THE USGS MARKER. THIS IS AN APPARENT CONTRADICTION IN THAT THE APPLICATION USES THE USGS MAP TO LOCATE THE MINE SHOWING THE LOCATION CORRECTLY ON THE USGS PLOT BUT NOT FOLLOWING SUIT ON THE SURVEY MAP. I WOULD ALSO POINT OUT AT THIS TIME THE USGS MAP INDICATES THE TOWN LINE ON ITS MAP AS BEING AT OR NEAR ITS MARKER. I WOULD EXPECT THAT THE USGS MAPS ARE RELATIVELY ACCURATE BY THE NATURE OF THEIR ORIGIN HOWEVER I AM NOT RELYING ON THIS AS MY SUPPORT. THE ISSUE OF THE REAL PROPERTY MAPS ENTERS INTO PLAY ONLY TO SHOW THAT OVER THE PAST THIRTY EIGHT YEARS PLUS OR MINUS, THERE HAVE BEEN MANY REVISIONS TO THE PROPERTIES SHOWN IN THIS AREA AND ALSO TO THE NORTH AND SOUTH OF THIS LINE. OBVIOUSLY THERE HAS BEEN CONTINUOUS PROBLEMS IN THIS AREA, WITH CHANGES BEING MADE AS LITTLE AS SEVERAL MONTHS AGO. ALSO THERE SEEMS TO BE A MISCONCEPTION IN THAT A BOUNDARY PROBLEM EXISTS. THIS IS NOT THE CASE. THE BOUNDARY IS CORRECT AS IT IS CALLED OUT IN FILED DEEDS. WHAT DOES EXIST IS A TAX MAP PROBLEM, THE SAME AS OTHERS THAT HAVE PRECEDED IT. AS TO THE ISSUE OF THE TRACKER REPORT WE FIND THAT IT IS VERY ACCURATE IN ITS STATEMENT OF THE LOCATION OF THE APPLICANTS PROPERTY WHOLLY WITHIN THE TOWN OF MONTGOMERY SPECIFICALLY THE WILEMAN TRACT. ALONG WITH THIS, THE INCORPORATION OF THE TOWN'S, AS ISSUED UNDER STATE LAW, REFLECT THE WILEMAN TRACT BEING THE EASTERN BOUNDS OF THE TOWN OF MONTGOMERY. THE QUESTION NOW HAS TO BE ASKED, WHERE IS THE WILEMAN TRACT?

IN AN EFFORT TO PROPERLY PLACE THE WILEMAN TRACT A GREAT AMOUNT OF TIME, ENERGY AND MONEY HAS BEEN SPENT TO ACCURATELY PLACE THIS ON THE MAP. THE PROCESS TO DO THIS I BELIEVE IS THE SAME USED BY REAL PROPERTY, OGS, AND ANY GROUPS DOING HISTORICAL REVIEW. THAT IS REVIEWING OLD MAPS, DEEDS AND SURVEYS AND THEN WITH MODERN TECHNOLOGIES APPLY THESE TO THE ACTUAL FIELD PLACEMENT. THIS PROCESS SUPPORTED BY FILED DEEDS IN OUR COUNTY BUILDING HAS PRODUCED A SURVEY THAT ACCURATELY DEPICTS THE WILEMAN TRACT AND ITS RELATIONSHIP TO THE APPLICANTS MAPPING. THIS SURVEY WAS PREPARED BY MERCURIO, NORTON AND TAROLLI AND IS A CERTIFIED SURVEY. A COPY OF WHICH I BELIEVE THE DEC HAS.

TO TIE THIS ALL TOGETHER, UNDERSTANDING THAT THE DEC CANNOT GET INVOLVED WITH CIVIL ISSUES, THE APPLICATION AS FILED PRESENTLY IS INCORRECT IN THAT IT MAKES NO REFERENCE TO THE PORTION THAT LIES IN THE TOWN OF NEWBURGH. ALSO UNDERSTANDING THAT AS IN THE PAST THE ISSUE OF TITLE IN THIS AREA WAS AND STILL IS IN QUESTION. TO RESOLVE THIS PROBLEM AN ACTION WAS TAKEN TO COURT IN SEPTEMBER OF 2000'. THE PURPOSE OF WHICH WAS TO SETTLE THIS MATTER AND MOVE AHEAD. A SETTLEMENT WAS AGREED UPON. UPON COMPLETION OF THE SETTLEMENT, THE AUTHORITY TO THAT PORTION OF PROPERTY THAT IS IN THE TOWN OF NEWBURGH, WOULD BE HELD BY THE APPLICANT. AS OF THE WRITING OF THESE COMMENTS THE APPLICANT HAS YET TO FULFILL THE SETTLEMENT. I BELIEVE THE DEC HAS A COPY OF THE SETTLEMENT ON FILE. ALONG WITH THIS

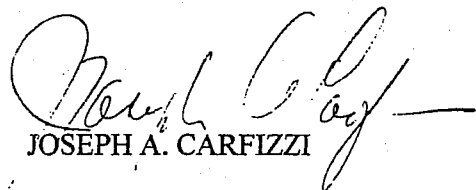
IN AN EFFORT TO FURTHER CLARIFY THE ISSUE AND MOVE AHEAD A PRESENTATION WAS MADE TO THE ASSESSORS OF EACH OF THE AFFECTED TOWNS. BOTH ASSESSORS AGREED AND THE TOWN OF MONTGOMERY ASSESSOR REQUESTED THE

REAL PROPERTY TAX MAP REVIEW THE SITUATION. A PRESENTATION WAS MADE TO THEM ALONG WITH THE ASSESSORS ON THE 14TH OF JANUARY 2004. WE ARE PRESENTLY WAITING FOR THEIR REPLY. MORE RECENTLY THE COURT HAS BEEN PETITIONED AS TO THE SETTLEMENT NOT BEING SATISFIED. THE COURT DIRECTED US TO FILE SUIT. THIS HAS BEEN DONE AND A PLENARY ACTION WITH NOTICE OF PENDENCY HAS BEEN FILED, INDEX NO. 2005-1290 WITH THE ORANGE COUNTY COURT.

IN SUMMATION THESE FACTS PERTAINING TO THE APPLICATION IN MY OPINION ARE CORRECT AND NEED TO BE CONSIDERED. THE APPLICATION AS FILED IS NOT COMPLETE IN THAT IT IS ONLY REPRESENTING ITSELF AS BEING IN ONE TOWN. THE AFFECTED AREA BY SURVEY LIES IN TWO TOWNSHIPS. PLACEMENT OF THE APPLICATION USING THE USGS MAPS PUTS IT TO THE WEST OF THE ALREADY AFFECTED AREA. MINING HAS ALREADY BEEN DONE IN THIS AREA TO THE EAST, WHICH THE APPLICATION SHOWS AS BEING ITS PROPERTY. UNTIL SUCH TIME AS THE SETTLEMENT IS COMPLETED, THE APPLICATION HAS NO AUTHORITY IN THIS AREA. THE GRAPHIC PORTION OF THE MINING PLAN CANNOT BE CONSIDERED GEOGRAPHICALLY CORRECT UNTIL THESE ISSUES ARE RESOLVED.

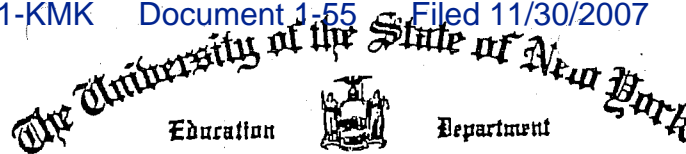
AT THIS TIME I WOULD LIKE TO REQUEST AN INFORMAL MEETING WITH THOSE PROGRAMS IN THE DEC RESPONSIBLE FOR THE REVIEW OF THIS APPLICATION ALONG WITH ITS APPROVAL. AT THAT TIME I WOULD LIKE TO SHARE WITH THEM THE INFORMATION, MAPS, DEEDS, SURVEYS, ETC. PERTINENT TO THE PROGRESS OF THIS PROJECT, THE AMOUNT AND SIZE OF WHICH ARE TOO VAST TO INCORPORATE IN THIS LETTER. I FEEL THAT ACKNOWLEDGMENT OF THESE FACTS AND COMPLETION OF RESPONSIBILITIES WILL AID IN THE SWIFT AND PROPER APPROVAL OF THIS PROJECT. ALONG WITH THIS I WOULD LIKE TO RESTATE THAT OUR EFFORTS ARE DERIVED FROM THE RESPONSIBILITY WE HAVE THROUGH OUR INCORPORATION, A COPY OF WHICH IS ATTACHED, AND AN EFFORT TO MOVE AHEAD IN AN AMIABLE FASHION BALANCING A MEANS TO SATISFY ALL AFFECTED PARTIES. IT IS OUR DUTY TO ACKNOWLEDGE OUR HISTORY AND THOSE PEOPLE RESPONSIBLE FOR GIVING IT TO US. IT WOULD BE AN INJUSTICE TO DISREGARD THESE EVENTS, PLACES, PEOPLES AND THEIR PROPER PLACEMENT IN OUR FUTURE.

VERY TRULY YOURS,


JOSEPH A. CARFIZZI

JAC/JR
ENCL.

DELIVERED BY HAND



THE FRIENDS OF KING'S HILL
CERTIFICATE OF INCORPORATION

This Instrument Witnesseth That the Board of Regents for and on behalf of the Education Department of the State of New York at their meeting of December 17, 1999,

Voted, that

1. A certificate of incorporation is granted incorporating Joseph A. Carfizzi, Filomena Carfizzi, Joseph A. Carfizzi, Jr., Anthony J. Carfizzi, Timothy J. Ahearn and their associates and successors as an education corporation under the corporate name of The Friends of King's Hill, located in Wallkill, county of Orange, state of New York.
2. The purposes for which such corporation is formed are:
 - a. to work to preserve King's Hill Farm, in the town of Newburgh, Orange County, New York, as a historical site;
 - b. to present appropriate programs relative to King's Hill Farm and its vicinity;
 - c. to interpret King's Hill Farm with appropriate signage and/or markers;
 - d. to research and preserve information on the history of King's Hill Farm and its vicinity, provided that nothing in this certificate of incorporation shall be deemed to authorize the corporation to own or hold collections; and
 - e. to perpetuate the memory of those individuals who, by their labor and heroism, have made a substantial contribution to the history of King's Hill Farm and the surrounding area.
3. The persons named as incorporators shall constitute the first board of trustees. The board shall have power to adopt bylaws, including therein provisions fixing the method of election and the term of office of trustees, and shall have power by vote of two-thirds of all the members of the board of trustees to change the number of trustees to be not more than twenty-five nor less than five.
4. The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, and no part of its earnings or net income shall inure to the benefit of any individual; and no officer, member, or employee of the corporation shall receive or be entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services.
5. Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

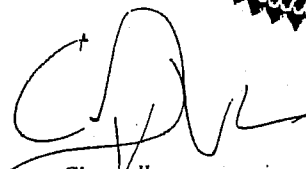
The Friends of King's Hill

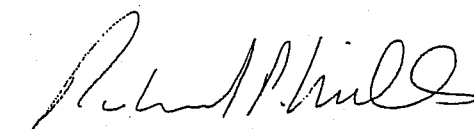
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6. No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future United States Internal Revenue Law, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision), and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of any candidate for public office.
7. Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.
8. The principal office of the corporation shall be located at 361 Strawridge Road, Wallkill, New York 12589.
9. The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.



Granted, December 17, 1999, by the Board of Regents of The University of the State of New York, for an on behalf of the State Education Department, and executed under the seal of said University and recorded as Number 22,824.


Chancellor


President of the University and
Commissioner of Education